

REMARKS

Claims 1-28, 30 and 36 are pending in the above-identified patent application. Claims 29 and 31-35 have been canceled. Favorable reconsideration of this application is respectfully requested in view of the following remarks.

There is an objection to the specification and Claim 26. The specification and claim have been amended to address these objections. Withdrawal of these objections is requested.

Applicants' specification describes several embodiments of a combing attachment. In the embodiment illustrated in FIGS. 1-7, a comb sub-assembly includes a first comb row 40 and a second comb row 30 (FIG. 5). Each comb row may contain a plurality of elongated teeth. The first comb row 40 is fixed to a main housing 10. The second comb row 30 is connected to a teeth spacing adjustment mechanism which includes a movement mechanism that allows comb row 30 to move relative to comb row 40 and be held in place at one of a plurality of user-selectable locations. The movement mechanism includes a rotary member having a circular head 51 and shaft 52 (FIG. 4). A stud 512, provided on a side guard 111, engages with an indentation formed on knob 51 to hold the comb row 30 in a user selectable position. Comb row 30 is moved relative to comb row 40 in order to adjust the effective teeth spacing. As pointed out on paragraph [0101] of the published application, the term "effective teeth spacing" means the spacing between adjacent teeth minus the spacing being covered or traversed by the teeth on another comb member. One example of a user-selectable teeth spacing is shown in FIG. 7A.

Claim 1 stands rejected over Abraham. This reference discloses a dressing comb consisting of two comb plates 10' (FIG. 4) and 10 (FIG. 5). The plates have slots 5, 5' that receive pins 6, 6' in order to hold the plates together. Abraham's comb is configured in only one of two positions. In FIG. 1 the plates 10, 10' are arranged so that teeth 3, 3' of the respective plates 10, 10' are shifted against each other and in FIG. 5 the plates 10, 10' are arranged such that they form two congruently superimposed plates.

Claim 1 is directed to a hair care device having a combination of features, including a movement mechanism for adjusting teeth spacing between adjacent teeth and a plurality of movable combing teeth, wherein the holding mechanism maintains the movable combing teeth at a user selectable position corresponding to one of a plurality of discrete positions during use, and each one of the discrete positions corresponds to a pre-determined effective teeth spacing.

Abraham does not disclose a holding mechanism that maintains movable combing teeth at a user selectable position corresponding to one of a plurality of discrete positions during use, and each one of the discrete positions corresponds to a pre-determined effective teeth spacing. Abraham can only set plates 10, 10' between one of the two positions shown in FIGS. 4 and 5. There is no ability to select an intermediate effective teeth spacing, as this term is used in Applicant's specification. Abraham therefore cannot anticipate Claim 1. For at least this reason, Applicant respectfully asks that the rejection of Claim 1 be withdrawn and this claim allowed.

Claim 1 is also patentable over Cutrone. This reference, like Abraham, discloses a comb that can only be set in one of two positions. Cutrone discloses a

large comb 10 and small comb 20. When these two combs are attached to each other, there is only one available spacing formed by the teeth of the smaller and larger combs. Hence, Cutrone also does not provide a device that maintains movable combing teeth at a user selectable position corresponding to one of a plurality of discrete positions during use, and each one of the discrete positions corresponds to a pre-determined effective teeth spacing.

Claim 30 stands rejected in view of Burkhardt. This reference discloses a styling device which has a pair of combs that are movable relative to each other using a cable that is coupled to a spring-biased pin. The combs are maintained between a holding position, FIG. 3, by pulling on the cable 42 or an open position, FIG. 6, by releasing the cable 42. Burkhardt also mentions an embodiment in which the comb device is integral with a blow dryer. In this embodiment, a mechanical or electrical mechanism can be employed for moving teeth between only a gripping position when the dryer is on, and a non-gripping position when the dryer is turned off. See col. 4, lines 54-61. As to Burkhardt's illustrated embodiment, there is no mechanism that maintains an effective teeth spacing. Instead, a user must apply the force needed to maintain a desired spacing. As to the embodiment in which an electrical or mechanical device is used to adjust the teeth spacing, there are only two positions provided - a gripping position and a non-gripping position. Hence, for at least these reasons Burkhardt does not teach or suggest a holding mechanism that maintains movable combing teeth at a user selectable position corresponding to one of a plurality of discrete positions during use, and each one of the discrete positions corresponds to a pre-determined effective teeth spacing, as this term is used in

Applicant's specification. Withdrawal of the rejection to Claim 30 and allowance of this claim is earnestly solicited.

New Claim 36 is patentable over the prior art of record, at least because the prior art of record does not teach or suggest a hair care device having a holding mechanism that maintains movable combining teeth at a user selectable position corresponding to one of at least three discrete positions during use, and each one of the discrete positions corresponds to a pre-determined effective teeth spacing.

Claims 2-28 depend from allowable Claim 1 and recite additional features that further distinguish over the prior art. Due to their dependence on an allowable claim, it is not necessary at this point to discuss the features of Claims 2-28 that further distinguish over the prior art for purposes of the hair care device at issue here.

Claims 7, 9-16, 18-20, 23, 27, 28 and 31-35 were withdrawn as being directed to non-elected species. Claim 1, which is generic to these claims, is now allowable. Accordingly, Applicants respectfully request that Claims 2-28 be allowed.

Conclusion

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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